Preserve

App. F. IX-4

Previous References 193?. (Nagpur) File No. 236 33

Serial Nos. 1 2

Later References

Nag 76-34-1-2
Nag 316-34-1
33 1-
5-80.39-
76-42-1-2

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for April 34.

SUBJECT.

Kharaban - Gwala Taluk

M. C. 13]

No. S.84/33-34
Ewel 1-22

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE.

883

Bangalore,..... 193

6

FROM

S. P RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

.....

Secretary to Government of His Highness
the Maharaja of Mysore,

.....*Department.*

SIR,

I have the honor to forward herewith copy of letter No. [illegible] dated 22-12-1933 received from the Deputy Commissioner, [illegible] District, regarding the management of and succession to the [illegible] Mutt [illegible], Channapatna, and to state as follows:-

The Mutt in question is not a Vaishnava institution. It is reported that the land belonging to it was in the year of Swabhavanama, i.e., end of the Mutt was in March 1933, and that the disciples of the Mutt who have formed into two groups have been divided over the question of the succession to the Mutt with their own rival candidates backing their claims, one group in support and the other on a will.

2. The Deputy Commissioner has directed the Amildar to take charge of the Mutt properties and pending approval to his action and pronounce the [illegible] part of the Mutt and its properties may be entered to [illegible] Government Management till the contending parties establish their title in a proper court of law.

3. As neither of the candidates has been recognised by Government, and the Mutt is without a Head, I request that sanction of Government may kindly be obtained to the Deputy Commissioner's proposal under Section 7(3) of the Religious and Charitable Institutions Regulation.

4. [illegible] of duly [illegible] be solicited.

5. [illegible] proceedings.

I have the honor to be,
Your most obedient servant,

VRB

Letter No.Muz.1.C.1080/33-34 dated 22-12-33 from the Deputy Commissioner, Shimoga District, to the Muzrai Commissioner in Mysore.

In forwarding herewith the entire file of correspondence ending with the Sagar Sub Division Officer's Memo No.R2.M.C.164/32-33 dated 29th November 33 regarding the mismanagement of and succession to the Veerasaiva Mutt at Kyasanur/ Ulvi Hobli, Sorab Taluk, I have the honor to state that the Mutt in question is a non-Muzrai institution. The inam lands of the Mutt in Kysanur and Hale Sorab are in the name of Gurubasavaswami, the Swami of the Mutt. He died at Hirejambur, Shikarpur Taluk, on or about 20th March 1933.

The disciples of the Mutt have formed themselves into two factions, one of which may be termed as Kyasanur party and the other as Hirejambur party and have been agitating over the question of the succession to the Mutt. While the Hirejambur party espouses the cause of one Gangadharaiah on the ground that the Swami has named him as his successor in a will executed by him at the time of his demise the Kyasanur party espouses the cause of one Siddalingiah on the ground that the Swami ~~x~~ had already adopted him as his successor in 1929 as evidenced by the article in the newspaper "PANCHACHARYA PRABHA" dated 15th April 1929 and that the will cannot supersede the adoption.

The Agent of the Sri Saila Parwatha Samstan Mutt, Guntakal sent a petition by post to this office on 20-4-33 praying that as the Swami of the Kyasanur Mutt which is subordinate to that Mutt is dead, the subordinate Mutt and all its properties might be taken under Government management and that Government might see that the cash that might have been deposited in the Sorab Taluk Treasury by the Swami and also the cash that might have remained with private individuals are not misappropriated by any. The petition was sent to the Sub Division Officer for enquiry and disposal. Exhaustive enquiries have been made by the Amildar of the Taluk as also the Sub Division Officer, Sagar Sub Division, who has submitted a detailed report explaining the contentions of the parties and embodying his suggestions for the future management of the Mutt and its properties.

In the circumstances narrated by the Sub Division Officer in his report, it has been ordered by me on 18-12-33 that the Amildar should take charge of the Mutt properties in the presence of the Sub Division Officer who should select a man unconnected with either party to be placed in direct charge of the properties later, after an inventory is made of all the articles, that in order to maintain order and to prevent any breach of the peace the District Superintendent of Police should place two constables at the Mutt, the Daffedar or the Sub Inspector visiting the Mutt periodically. Both the Sub Division Officer and

the District Superintendent of Police have been requested to report the action taken.

I request that my action may be approved.

Further, I recommend that the contending parties may be directed to establish their rights in a proper court of law and that till they so establish their rights, the management of the Mutt and its properties may be ordered to remain under Government management.

"COPY"

For Muzrai Commissioner.

4771/p 33

General and Revenue Secretariat — File No. — of 193 . — [App. F. III—2

Serial No.

(1) If appd, the Law Secy may be consulted if the Mutt & its properties are brought under Govt management under the Secy's report to the P.W.D. Laws —

G.S. 26/2

The proposal of the D.C. supported by the Secy. re taking over management of the Mutt properties by Govt & keeping it with them till the contending parties establish their rights in a Court of Law may be approved. Law Dept may be consulted.

Under Sec 25(2) of the Religious & Charitable Institutions Regn

27/2/34

Secy)

3) Dr 1/3.

2/3

Law Secy)

1. Under sec 25(2) Govt may take over management of the property of any Matha, when the Mathadhipathi is dead and has not made legal and satisfactory arrangements for the carrying on of the ordinary business of the institution and there is no successor duly appointed, according to law or custom or the rules of succession to the office. In the case the late Swami appointed one Ramachandra as his successor in a will executed before his death. This gentleman's right is however contested by Kyd's agent [illegible] No. 25 under the Sec.

NOTE—Contn Sheet

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of one Siddalingia, who is alleged to have been adopted as the Successor in 1929 by the late Swami himself. The succession is of course in dispute, though it cannot be said that there is a case in which there is no Successor duly appointed by the deceased Swami.

5. There is no info available as to the law or custom applicable to the succession to the office of the Mathadhipati for this Mutt. The Mutt is said to be a non-emzarai Institution, but it is not clear if this Mutt is not enjoying Govt grants in land or money or has no honours even granted by the Sovereign. If the Mutt is in the enjoyment of any of these, then the Rules of 16 Dec 1892 (Mar Manual page 161) apply, and I think the succession legally goes to the person who is recognised by the Sovereign. Action may therefore have to be taken to recognise the recognition to a proper person to succeed & Govt may then hand over management to such person. Any party aggrieved will then have recourse to a Court of law, if he is so advised.

6. If however the Mutt is not one to which the Rules of 1892 apply, then Govt can get jurisdiction only to take over management only if it is held that in this case none of the two persons appointed by the late Swami can succeed to the seats

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is said to have been "duly appointed, according to law or custom applicable to succession to the office". Otherwise the procedure prescribed in sections 26 & 27 regarding enquiry into mismanagement etc has to be followed before Govt can take over management.

7 There seems to be no provision in the Regulation of 1927 for Govt to take over management in cases of disputed succession to a Mutt, ~~which~~ especially if it is an institution not enjoying any Govt grant in land or money. Sec 18 of the Regn does not apply ~~to~~ to Mutts on account of sec 24.

8. Forwarded with compliments to the Govt advocate ~~with~~ for favour of advice.

~~D~~ Rangaraya
Ir Gensey 27 3 34

U.O.No. P 214/32
27-3-34.

Judl 776/33-34
dt 29.3.34
329
law

Ro Judl 138/33-34
dt 9-4-34

9.

Returned with compliments.

10 Mr. Gangadhariah claims his right to be the Swami of the Mutt on the will alleged to have been left by the previous Swami and he is supported by the Hirejumbur party. This claim is denied by the Kyasanur party which puts forward the claim of one Siddalingiah on the ground he was adopted by the previous Swami in 1929. This is denied by the other party. If Siddalingiah was adopted in 1929, then Gangadhariah's claim would not be tenable. If, as alleged by the Hirejambur party, the adoption set up is not true Siddalingiah cannot succeed to the Peetha. The claims of both

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Assumption of the management of Sri Veerasaiva Mutt at Kyasanur in Sorab Tk.

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both are thus in dispute and under the circumstances, whether the previous Swami did appoint his successor at all is doubtful. Until the claim of either is properly established it is difficult to assume that a successor has been duly appointed by the previous Swami. There could, therefore, be no objection to take over the management according to the recommendation of the Muzrai Commissioner as the interests of the Mutt and its desciples would, ~~xxxxx~~ otherwise, suffer.

N. Nagaswamy Ayya
Government Advocate.
7.4.1934.

H.

Fin. Secretary. (Muzrai)

Law. 10.4.34

10/4

Submitted with reference to paras 2 & 3 above.

10/4/34

In view of the G.A's opinion contained in para 3 of the Bd above the Mr's recommendation may be approved.

11/4/34

2nd Asst

OFFICE OF THE SECOND MEMBER OF COUNCIL. 12 APR. 1934 No. 66-34

11/4

12/4

16/4

16/4

TYPING SECTION. 12 APR. 1934 GENL & REV SECTT

Secy

22/4

Serial No.	
2	Govt no 1428-9 dt 27.4.34 Sanctioning the recommendations of the Hue3 ai Commissioner referred to in sl 1.

03
26.5.34

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General and Revenue Secretariat

Serial No.	

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:-

Letter No. 834/33-34, dated 6th February 1934, from the Muzrai Commissioner, stating that the Veera Saiva Mutt at -- Kyasanur, Soreb Taluk, is a non-Muzrai Institution, that the lands belonging to it are in the name of Gurubasava Swami head of the Mutt who passed away in March 1933, that the chief heirs of the Mutt who have formed themselves into two factions have been divided over the question of succession to the Mutt, the Mutt is left without a swami, that in the circumstances the Deputy Commissioner has directed the Amildar to take charge of the Mutt properties and recommending sanction under Section 25(2) of the Mysore Religious and Charitable Institutions Regulation, VII of 1927 ~~xxxxx~~ to the Deputy Commissioner's proposal that the management of the Mutt and its properties may be ordered to remain under Government management till the contending parties establish their rights in a proper Court of law.

Order No. 1428-9/Muz236-33-2

Bangalore, dated the 24th April 1934.

The recommendation of the Muzrai Commissioner is sanctioned.

For Financial Secretary to Government.

To

The Muzrai Commissioner in Mysore with records.

The Comptroller to Government.

TP".4

G. R. S. App. F VI—G 2]

SUBJECT.....

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Diary No. of letter replied to.....

Section Mucz

File No. 436-33

Serial No. 2

General and Revenue Secretariat

( )

the 193 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 27-4- 1934

Signed by B Muddukrishnappa

Read— Letter no 884 '33-34 &

6/2134 from the M.C. Hosdrug

that the Veera Saiva Mutt at

Kyasamur Sorab Tk is ~~now~~ a

monastery, ~~which~~ ~~was~~ founded by Gurubasava

~~the~~ Swamie

head ~~of the Mutt~~ who passed away in

March 33 in

Order thereon.—No ~~the DS of the Mutt~~

~~the~~, as that the disciples of the

Mutt, who have formed into two

factions have been trying

over the question of succession

~~to the Mutt~~ the Mutt is affiliated to

~~the Mutt~~, ~~Vide the~~ ~~Govt~~

~~Govt Canara Dist~~ Govt

May this be—

(i) printed ? the lands belonging ~~to the Mutt~~ is are in the name of

(ii) treated as a standing order ?

(iii) published in the Gazette, English part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, kannada part ?

[illegible], that
in the circumstances, in which the W.C. has recommended
to take Charge of
the Mute Beggars & Lepers
withdrawn from the streets and
keeping them in neither a
Lunatic Asylum nor Asylum
of Lepers but recommending
a Custodian, I am of opinion under
Sec 25 (2) of the Mysore Religious
Trade Institutions Regn
VII of 1927 that
proposal to the Managing
Mute Beggars may be
ordered to remain under
Some Name given to the
the Committee established
Their Deputies in a Proper
Court of Law —
over to 459 Recommendation
The [illegible]
M.C. to Institution

List of Enclosure

Copied by

Examined by

2/7/14

To
The M.C. [illegible]

WD 0251—GPB—10,000—22-8-32

GS 23/4/14 Comm[r]